

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

|                            |   |                        |
|----------------------------|---|------------------------|
| GERALD F. STANLEY, C80900, | ) |                        |
|                            | ) |                        |
| Petitioner,                | ) | No. C 16-5536 CRB (PR) |
|                            | ) |                        |
| v.                         | ) | ORDER OF DISMISSAL     |
|                            | ) |                        |
| RON DAVIS, et al.,         | ) |                        |
|                            | ) |                        |
| Respondent(s).             | ) |                        |


Petitioner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 on August 23, 2016. The court notified petitioner in writing on that date that the action was deficient because he did not pay the requisite \$5.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis application, including a completed certificate of funds in the prisoner's account and a copy of the prisoner's trust account statement for the last six months. Petitioner was advised that failure to file the requested items within 28 days would result in dismissal of the action.

More than 40 days have elapsed; however, petitioner has not filed the requisite items or sought an extension of time to do so. The action is DISMISSED without prejudice to filing a new action accompanied by the requisite filing fee or a signed and completed in forma pauperis application.

The clerk shall close the file and terminate all pending motions as moot.

SO ORDERED.

DATED: Sept. 30, 2016

  
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CHARLES R. BREYER  
United States District Judge